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Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.606(b),  
Table of Allotments,  
TV Broadcast Stations.  
(Portland, Oregon)

MM Docket No. 00-\_\_\_\_\_  
RM-\_\_\_\_\_

To: Chief, Mass Media Bureau

**PETITION FOR RULE MAKING**

Television Capital Corporation of Portland ("TC") hereby petitions for rulemaking to amend the Table of Allotments for NTSC TV Broadcast Stations to substitute Channel 59 for Channel 40 at Portland, Oregon. TC submits this Petition in response to the Mass Media Bureau's Public Notice *Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*, DA 99-2605 (Released November 22, 1999) (hereafter "*Public Notice*"). In support of this Petition, TC submits the following:

1. TC filed an application for a construction permit for a new TV broadcast station on Channel 40 at Portland, Oregon (File No. BPCT-960920WH). Sinclair Communications of Portland, Inc. ("Sinclair") also had an application for the same channel (File No. BPCT-960724LF). TC and Sinclair have executed a Settlement Agreement and are filing a Joint Request for approval of that Settlement Agreement, requesting the grant of TC's application and the dismissal with prejudice of Sinclair's application. TC is authorized to represent to the FCC that Sinclair supports the filing of this Petition for Rule Making and the proposed amendment to the NTSC TV Table of Allotments.

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2. The *Public Notice* opened “a window filing opportunity to allow persons with certain pending requests for new analog (NTSC) television stations to modify their requests, if possible, to eliminate technical conflicts with digital television (DTV) stations and to move from channels 60 through 69.” *Public Notice*, p. 1. More specifically, the *Public Notice* opened a window for the filing of “petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on channels 2-59 at locations inside of the ‘TV Freeze Areas.’” *Id.* Both TC and Sinclair come within this eligibility category because they filed applications for new full-service NTSC television stations on Channel 40 at Portland, Oregon, which now conflicts with a DTV allotment at Portland, Oregon.

3. The appended Engineering Statement provides documentation to support this request to substitute Channel 59 for Channel 40 at Portland, Oregon. Upon the amendment of the TV Table of Allotments, TC will amend the technical portion of its application pending before the Commission to specify operation on the substitute channel.

4. The public interest is obviously served by grant of this petition, because it gives effect to the Commission’s *Public Notice*, it eliminates a technical conflict with a DTV allotment, and it expedites the inauguration of a new television service at Portland, Oregon on Channel 59.

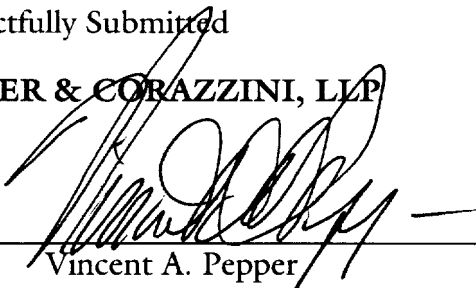
WHEREFORE, TC requests that the Commission adopt and release a Notice of Proposed Rule Making, proposing to amend the NTSC TV Table of Allotments, and thereafter adopt and release a Report and Order amending the NTSC TV Table of Allotments as follows:

Community	Present	Proposed
Portland, OR	2, 6+, 8-, *10, 12, 24+, *30, 40-	2, 6+, 8-, *10, 12, 24+, *30, 59

Respectfully Submitted

**PEPPER & CORAZZINI, LLP**

By: \_\_\_\_\_

  
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July 17, 2000

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Portland, Oregon

**ENGINEERING STATEMENT**

This engineering statement is written in support of a Petition for Rulemaking filed by Television Capital Corporation of Portland seeking to modify the table of television allotments and substituting channel 59 for channel 40 at Portland, Oregon.

The Sixth Report and Order adopted April 3, 1997 and released April 21, 1997 assigned NTSC channel 40 to DTV channel 40 for use at Portland, Oregon. Therefore, all pending applications for this frequency in Portland were "frozen" until such time as a filing window opened up allowing an application filed on for channel 40 could be modified specifying an alternate channel.

On November 22, 1999, a Public Notice released by the Mass Media Bureau of the FCC announced a filing window for applicants with pending applications in channels 60 to 69 and those channels eliminated because of DTV channel assignments to modify those applications to specify a new channel.

The instant rule making petition seeks to reallocate channel 59 presently unassigned to Portland, Oregon in place of channel 40+.

NTSC channel 59 may be substituted and allocated to Portland, Oregon at coordinates North Latitude 45° 30' 58", West Longitude 122° 43' 59". This site complies with the requirements of 47 C.F.R. Section §73.685(a) (city of license), 47 C.F.R. Section §73.623(c) (channel separation criteria for DTV assignments), and 47 C.F.R. Section §73.610 (NTSC channel separation criteria).

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Portland, Oregon

E N G I N E E R I N G   S T A T E M E N T (Cont'd)

UHF channel 59 operating at the instant proposed coordinates would employ a non directional antenna at 516 meters AMSL, 427 meters AAT and have a radiated power of 5000 kW.

In support, the following exhibit is submitted:

Figure 1 - a separation study from the instant proposed site to other NTSC and DTV assignments with which there could be a possible conflict. It should be noted that under the instant proposal, channel 59 and DTV channel 45 are co-located. Because of this co-location, there is no N-15 "taboo" restriction.

On the basis of the aforestated information and exhibits, it is proposed to amend 47 C.F.R. Section §73.606(b) to read as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Portland, Oregon	2, 6+, 8-, *10 12, 24+, *30	2, 6+, 8-, *10 12, 24+, *30, 59

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Portland, Oregon

Figure 1

**TV CHANNEL SPACING STUDY**

Job title: PORTLAND, OREGON

Proposed latitude: N 45 30 58.00

Proposed longitude: W 122 43 59.00

Proposed zone: 2

A \* next to a distance result indicates the proposed location  
is inside the exclusion range for a DTV adjacent channel

Proposed channel: 59

CH	Call	Record	City	ST	Z	Status	Bear.	Dist.	Reqd. Dist.	Result
45	KNMT-DT	16296	PORTLAND	OR	2	APP	0.0	0.0	96.6	-96.6
45	KNMT-DT	16326	PORTLAND	OR	0		0.0	0.0	96.6	-96.6

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Portland, Oregon

**DECLARATION**

**MELVYN LIEBERMAN**, declares and certifies as follows:

That he is associated with the firm of **LIEBERMAN & WALISKO, Inc.**;

That this firm has been retained by **TELEVISION CAPITAL CORPORATION OF PORTLAND** to prepare this Engineering Statement;

That his qualifications are a matter of record with the Federal Communications Commission;

That he has either prepared or directly supervised the preparation of all technical material contained in this engineering statement and that the facts stated in this report are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements, he believes them to be true.

5/10/00

Date

Melvyn Lieberman  
Melvyn Lieberman